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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JEMS SOFTWARE AND CONSULTING,)
 INC., on behalf of itself and all others)
 similarly situated,)
)
 Plaintiff,)
)
 vs.)
)
 LEXAR MEDIA, INC., *et al.*,)
)
 Defendants.)

Case No.: 3:07-cv-05041-EMC

**NOTICE OF LODGING OF
 ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES
 SHOULD BE RELATED**

Magistrate Judge Edward M. Chen

PLEASE TAKE NOTICE that Plaintiff Jems Software and Consulting, Inc., pursuant to L.R. 3-12(b) and as defined by L.R. 1-5(m), is hereby lodging with this Court that attached copy set of the following documents, filed October 3, 2007 in *Nguyen v. Samsung Electronics Co.*,

Ltd., et al., Case No. C-07-0086-SBA.

1. Plaintiff Jems Software and Consulting, Inc.'s Administrative Motion to Consider Whether Cases Should Be Related;
2. Declaration of Mark J. Tamblyn In Support of Plaintiff's Motion to Consider Whether Cases Should Be Related;
3. [Proposed] Order Relating Cases; and
4. Certificate of Service.

Dated: October 3, 2007

Respectfully Submitted,

By: /s/ Mark J. Tamblyn
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Attorneys for Plaintiff and the Class

ATTACHMENTS

**(Plaintiff Jems Software and Consulting, Inc.'s Administrative
Motion to Consider Whether Cases Should be Related)**

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Trong Nguyen, Inc, on behalf of itself and all)
 others similarly situated,)
)
 Plaintiff,)
 v.)
 Samsung Electronics Co., Ltd., *et al.*,)
 Defendants.)

Case No.: C-07-0086-SBA

**ADMINISTRATIVE MOTION TO
 CONSIDER WHETHER CASES
 SHOULD BE RELATED**

The Honorable Sandra B. Armstrong

THIS DOCUMENT RELATES TO:)
 Case No. C-07-05041-EMC)
)
 JEMS SOFTWARE AND CONSULTING,)
 INC., on behalf of itself and all others similarly)
 situated,)
)
 Plaintiff,)
)
 vs.)
)
 LEXAR MEDIA, INC., *et al.*,)
 Defendants.)

Pursuant to Local Rule 3-12 ("Related Cases"), Plaintiff JEMS SOFTWARE AND CONSULTING, INC., submits this administrative motion to consider whether the present case (Case No. C-07-05041-EMC) should be related to *Nguyen v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-0086-SBA, presently pending before this Court. In support of this motion, Plaintiff states:

1. Both the *Jems* and the *Nguyen* actions allege that many of the same Defendants violated federal antitrust law by illegally fixing the prices of Flash Memory products. Plaintiffs in *Jems* and *Nguyen* both raise claims for violations of the Sherman Antitrust Act, 15 U.S.C. § 1. The *Nguyen* case was the earliest filed case to assert these claims.

2. By Orders dated March 14, April 27, May 14, June 12, August 2, August 13, August 21, September 18, September 21, and September 28, 2007, the Court related the following additional matters to *Nguyen v. Samsung Electronics Co., LTD., et al.*, Case No. C 07-0086-SBA:

- i. *A Computer Place, Inc. and Timothy Chanda v. Samsung Electronics Co., Ltd., et al.*, Case No. C-074020-WHA.
- ii. *Miller v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1147 EDL.
- iii. *Burke v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1236 MJJ.
- iv. *Perkins v. Samsung Electronics Co. Ltd., et al.*, Case No. C-07-1360-JL.
- v. *Burt v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1388-MMC.
- vi. *TechToysForLess v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1418-SC.
- vii. *Huh v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1459-JCS.
- viii. *Krahmer v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1460-SC.
- ix. *Alderman v. Samsung Electronics Co., Ltd., et al.*, Case No. C 07-01489 SBA.
- x. *Greenwell v. Samsung Electronics Co., Ltd., et al.*, Case No. C 07-01524 SBA.

- xi. *Sweatman v. Samsung Electronics Co., Ltd., et al.*, Case No. C 07-01613 SBA.
- xii. *Pellitteri v. Samsung Electronics Co., Ltd., et al.*, C 07-01614 SBA.
- xiii. *Kevin's Computer and Photo v. Samsung Electronics Co., Ltd., et al.*, C 07-01665 SBA.
- xiv. *Theisen v. Hitachi, Ltd., et al.*, Case No. C 07-01680 SBA.
- xv. *Davis v. Samsung Electronic Co., Ltd., et al.*, Case No. C 07-01735 SBA.
- xvi. *McClellan-Chambers et al. v. Samsung Electronics Co., Ltd., et al.*, Case No. C 07-01823 SBA.
- xvii. *Juskiewicz v. Samsung Electronics Co Ltd., et al.*, Case No. C 07-01829 SBA.
- xviii. *Rippel v. Samsung Electronics Co. Ltd., et al.*, Case No. C 07-02066 SC.
- xix. *Young v. Samsung Electronics Co., Ltd., et al.*, Case No. C 07-02286 MMC.
- xx. *Harrison v. Samsung Electronics Co., Ltd., et al.*, Case No. C 07-03971 VRW.
- xxi. *Skorstad v. Samsung Electronics Co Ltd., et al.*, Case No. C 07-02228 MEJ.
- xxii. *Calif:Coast Investigative Services v. Lexar Media, Inc., et al.*, Case No. C 07-03775 EDL.
- xxiii. *Cravens v. Lexar Media, Inc., et al.*, Case No. C 07-04082 MJJ.
- xxiv. *Levy v. Samsung Electronics Co., Ltd. et al.*, Case No. C 07-04252 MMC.
- xxv. *Go v. Lexar Media, Inc. et al.*, Case No. C 07-04547 VRW.
- xxvi. *Thal v. Hitachi America, Ltd. et al.*, Case No. C 07-04785 BZ.

3. All of these actions allege violations of antitrust law as a result of the Defendants' alleged nationwide price-fixing conspiracy of Flash Memory products.

4. Pursuant to Local Rule 3-12(a), Plaintiff states that the actions concern substantially the same parties and events, and that it appears likely that there will be an unduly

1 burdensome duplication of labor and expense, or the possibility of conflicting results if the cases
2 are conducted before different Judges. Relating the cases should help to eliminate duplicative
3 discovery, prevent inconsistent pretrial rulings, and conserve the resources of the parties, their
4 counsel, and the judiciary.

5
6 DATED: October 3, 2007

Respectfully submitted,

7 By: /s/ Mark J. Tamblyn

8 Mark J. Tamblyn

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Attorneys for Plaintiff and the Class

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Trong Nguyen, Inc, on behalf of itself and all
 others similarly situated,

 Plaintiff,
 v.
 Samsung Electronics Co., Ltd., *et al.*,
 Defendants.

Case No.: C-07-0086-SBA

**DECLARATION OF MARK J.
 TAMBLYN IN SUPPORT OF
 PLAINTIFF'S ADMINISTRATIVE
 MOTION TO CONSIDER WHETHER
 CASES SHOULD BE RELATED**

The Honorable Sandra B. Armstrong

THIS DOCUMENT RELATES TO:
 Case No. C-07-05041-EMC

 JEMS SOFTWARE AND CONSULTING,
 INC., on behalf of itself and all others similarly
 situated,

 Plaintiff,
 vs.
 LEXAR MEDIA, INC., *et al.*,
 Defendants.

1 I, Mark J. Tamblyn, declare as follows:

2 1. I am an attorney duly licensed to practice law in all courts of the State of
3 California and am a partner in the law firm of Wexler Toriseva Wallace LLP. I have personal
4 knowledge of the matters set forth herein, and if called upon to testify, would be competent to do
5 so.

6 2. I am counsel for Plaintiff in *Jems Software and Consulting, Inc. v. Lexar Media,*
7 *Inc. et al*, Case No. 3:07-cv-05041-EMC. I submit this Declaration in support of Plaintiff Jems
8 Software and Consulting, Inc.'s Administrative Motion to Consider Whether Cases Should be
9 Related.

10 3. On January 5, 2007, Plaintiff Trong Nguyen filed a Complaint in the Northern
11 District of California alleging a conspiracy to fix prices of Flash Memory products, styled
12 *Nguyen v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-0086-SBA ("Nguyen"). Nguyen
13 filed an amended complaint on January 18, 2007. Nguyen alleges violations of federal antitrust
14 laws, among other violations. Nguyen's complaint is the earliest filed complaint in the Northern
15 District of California, alleging that Defendants fixed the prices of Flash Memory products.

16 4. In Orders dated March 14, April 27, May 14, June 12, August 2, August 13,
17 August 21, September 18, September 21, and September 28, 2007, the Court related the
18 following actions to *Nguyen*:

- 19 i. *A Computer Place, Inc. and Timothy Chanda v. Samsung Electronics Co.,*
20 *Ltd., et al.*, Case No. C-07-1020-WHA.
- 21 ii. *Miller v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1147 EDL.
- 22 iii. *Burke v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1236 MJJ.
- 23 iv. *Perkins v. Samsung Electronics Co. Ltd., et al.*, Case No. C-07-1360-JL.
- 24 v. *Burt v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1388-MMC.
- 25 vi. *TechToysForLess v. Samsung Electronics Co., Ltd., et al.*, Case No, C-07-
26 1418-SC.
- 27 vii. *Huh v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1459-JCS.
- 28

- viii. *Krahmer v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-1460-SC.
- ix. *Alderman v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-01489 SBA.
- x. *Greenwell v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-01524 SBA.
- xi. *Sweatman v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-01613 SBA.
- xii. *Pellitteri v. Samsung Electronics Co., Ltd., et al.*, C-07-01614 SBA.
- xiii. *Kevin's Computer and Photo v. Samsung Electronics Co., Ltd., et al.*, C-07-01665 SBA.
- xiv. *Theisen v. Hitachi, Ltd., et al.*, Case No. C-07-01680 SBA.
- xv. *Davis v. Samsung Electronic Co., Ltd, et al.*, Case No. C-07-01735 SBA.
- xvi. *McClellan-Chambers et al. v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-01823 SBA.
- xvii. *Juskiewicz v. Samsung Electonics Co Ltd., et al.*, Case No. C-07-01829 SBA.
- xviii. *Rippel v. Samsung Electronics Co. Ltd., et al.*, Case No. C-07-02066 SC.
- xix. *Young v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-02286 MMC.
- xx. *Harrison v. Samsung Electronics Co., Ltd., et al.*, Case No. C-07-03971 VRW.
- xxi. *Skorstad v. Samsung Electonics Co Ltd., et al.*, Case No. C-07-02228 MEJ.
- xxii. *Calif-Coast Investigative Services v. Lexar Media, Inc., et al.*, Case No. C-07 03775 EDL.
- xxiii. *Cravens v. Lexar Media, Inc., et al.*, Case No. C-07-04082 MJJ.
- xxiv. *Levy v. Samsung Electronics Co., Ltd. et al.*, Case No. C 07-04252 MMC.

xxv. *Go v. Lexar Media, Inc. et al.*, Case No. C 07-04547 VRW.

xxvi. *Thal v. Hitachi America, Ltd. et al.*, C 07-04785 BZ.

5. Jems Software and Consulting, Inc. has not appeared in any of the above-listed related actions currently pending in the Northern District of California. Civil Local Rule 3-12 requires that an Administrative Motion to Consider Whether Cases Should be Related be promptly filed. Because the Defendants are in the process of being served, a stipulation could not be obtained prior to filing Plaintiffs Administrative Motion.

6. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on October 3, 2007 in Sacramento, California.

By: /s/ Mark J. Tamblyn

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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Trong Nguyen, Inc, on behalf of itself and all)
others similarly situated,)
)
Plaintiff,)
)
v.)
Samsung Electronics Co., Ltd., *et al.*,)
Defendants.)

Case No.: C-07-0086-SBA

**[PROPOSED] ORDER RELATING
CASES**

The Honorable Sandra B. Armstrong

THIS DOCUMENT RELATES TO:)
Case No. C-07-05041-EMC)
)
JEMS SOFTWARE AND CONSULTING,)
INC., on behalf of itself and all others similarly)
situated,)
)
Plaintiff,)
)
vs.)
)
LEXAR MEDIA, INC., *et al.*,)
Defendants.)

1 On October 3, 2007, Plaintiff Jems Software and Consulting, Inc. filed an Administrative
2 Motion to Consider Whether Cases Should be Related pursuant to Civil Local Rule 3-12. The
3 time for filing an opposition or statement of support has passed. The Court, having considered
4 the papers and pleadings on file, and good cause appearing,

5 HEREBY GRANTS Plaintiff's Administrative Motion to Consider Whether Cases
6 Should be Related.

7 IT IS ORDERED that the following cases are related:

8 Case No. C-07-0086-SBA *Nguyen v. Samsung Electronics Co., Ltd., et al.*; and

9 Case No. 3:07-cv-05041-EMC *Jems Software and Consulting, Inc. v. Lexar Media, Inc.*
10 *et al.*

11 **IT IS SO ORDERED.**

12
13 Dated: _____

14
15 _____
16 The Honorable Sandra B. Armstrong
17 United States District Court
18
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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Trong Nguyen, Inc, on behalf of itself and all)
 others similarly situated,)
 Plaintiff,)
 v.)
 Samsung Electronics Co., Ltd., *et al.*,)
 Defendants.)

Case No.: C-07-0086-SBA

CERTIFICATE OF SERVICE

The Honorable Sandra B. Armstrong

THIS DOCUMENT RELATES TO:)
 Case No. C-07-05041-EMC)
 JEMS SOFTWARE AND CONSULTING,)
 INC., on behalf of itself and all others similarly)
 situated,)
 Plaintiff,)
 vs.)
 LEXAR MEDIA, INC., *et al.*,)
 Defendants.)

1 I am employed in Sacramento County, which is where service of the document(s)
 2 referred to below occurred. I am over the age of eighteen and not a party to the within action.
 3 My business address is Wexler Toriseva Wallace LLP, 1610 Arden Way, Suite 290, Sacramento,
 4 CA 95815. I am readily familiar with Wexler Toriseva Wallace LLP's practice for the service of
 5 documents. On October 3, 2007, I served or caused to be served a true copy of the following
 6 documents in the manner listed below:

7 **ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE**
 8 **RELATED;**

9 **DECLARATION OF MARK J. TAMBLYN IN SUPPORT OF PLAINTIFF'S**
 10 **ADMINISTRATIVE MOTION TO CONSIDER WHETHER CASES SHOULD BE**
 11 **RELATED; and**

12 **[PROPOSED] ORDER RELATING CASES**

13 **X BY USDC ECF:** by USDC Live System-Document Filing System on all
 14 interested parties registered for e-filing.

15 **X BY OVERNIGHT COURIER:** I caused the sealed envelope containing the
 16 aforementioned document(s) to be delivered via Federal Express overnight
 17 courier service to the addressee(s) specified below.

18 Hon. Sandra B. Armstrong
 19 United States District Court
 20 Northern District of California
 21 Oakland Division
 22 1301 Clay Street
 23 Oakland, CA 94612

Courtesy Copy

24 I declare that the foregoing is true and correct. Executed on October 3, 2007 at
 25 Sacramento, California.

26 /s/ Rochelle Firebaugh
 27 Rochelle Firebaugh
 28